UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Capitol Records, Inc., et al.

v.   Case No. 08-cv-167-JL

Doe #1, et al.

O R D E R

The Complaint in this matter was filed on April 30, 2008. Contemporaneous with that

filing, the Plaintiffs filed an Ex Parte Motion for Discovery (doc. no. 3) in which they requested

leave to subpoena Dartmouth College to obtain documents that would identify each named Doe

Defendant. That motion was granted by court order dated May 1, 2008. On July 3, 2008, the

Plaintiffs filed a voluntary dismissal as to Doe Defendant #3 (doc. no. 7). To date, the Plaintiffs

have not requested summonses for service from the clerk's office nor have filed any other

pleading indicating the current status of their attempts to identify the other Doe Defendants.

Federal Rule of Civil Procedure 4(m) provides in part:

> If a defendant is not served within 120 days after the complaint is filed, the
> court--on motion or on it own after notice to the plaintiff--must dismiss the action
> without prejudice against that defendant or order that service be made within a
> specified time. But if the plaintiff shows good cause for the failure, the court
> must extend the time for service for an appropriate period.

More than 120 days have now expired since the date the Complaint was filed in this case.

On or before October 3, 2008, the Plaintiffs shall effect service or file a motion to extend the

service deadline to a future date certain for good cause shown, the failure of which shall result in

this action being dismissed without prejudice as required by Fed. R. Civ. P. 4(m).

If there are special circumstances in this case of which the court is not aware, or for any reason the parties wish to communicate with the court about the case, counsel need only request a telephone conference through the Deputy Clerk.

SO ORDERED.

Date: September 19, 2008

*/s/ Joseph N. Laplante*__
Joseph N. Laplante
United States District Judge

cc: Claude T. Buttrey, Esq.